

IN RE: HARRY L. KEEN, JR. and KIMBERLY D. KEEN, Debtors.

**HARRY L. KEEN, JR.,
Plaintiff,
vs.
PREMIUM ASSET RECOVERY
CORP. and RICHARD A. RUSSELL,
Defendants.**

**Case No. 01-36893-BKC-PGH
Adv. Case No. 03-3184 BKC-PGH-A**
2003 WL 22838548 (Reporter citation not available yet)

Debtor sought attorney's fees and punitive damages based upon Creditor's violation of the automatic stay. The Court held that Creditor who had no notice or knowledge of debtor's bankruptcy and who had not been scheduled as creditor on debtor's schedules, did not "willfully" violate the automatic stay in moving for default judgment against debtor in state court litigation. Creditor's failure to take steps to vacate the default judgment after learning of Debtor's bankruptcy filing was a willful violation of the automatic stay. The Court ordered Creditor to pay sanctions in the amount of Debtor's reasonable attorney's fees but did not award punitive damages.